

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JONIQUE WEBSTER	§	
VS.	§	CIVIL ACTION NO. 1:16-CV-333
SYLVIA PETERSON, <i>et al.</i> ,	§	

## MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Jonique Webster, a prisoner currently confined at the Connally Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Sylvia Peterson, Librarian II, and Jesus Peralta, Warden II, both employed by the Connally Unit.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

## Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff complains of actions (or inactions) taken by the defendants as they relate to events that occurred at the Connally Unit which is located in Kenedy, Texas. Kenedy, Texas is located in the Western District of Texas, San Antonio Division. It would, therefore, appear a substantial part

of the events or omissions giving rise to his claims occurred in the Western District of Texas, San Antonio Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. 1406(a). Plaintiff’s claims should be transferred to the Western District of Texas, San Antonio Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 13th day of October, 2016.

  
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Zack Hawthorn  
United States Magistrate Judge